

REMARKS

The present remarks are in response to the Office Action of September 21, 2005. Claims 1-27 are currently pending. Reconsideration of the application is respectfully requested in view of the following responsive remarks. For the Examiner's convenience and reference, the Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

In the Office Action, the following rejections were made:

- (1) claims 1, 3-11, and 13-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No. 6,177,498 (hereinafter "Rehman") in view of U.S. Patent Application No. 2005/0137282 (hereinafter "Cagle");
- (2) claims 21 and 23-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rehman in view of Cagle, and further in view of U.S. Pat No. 6,379,443 (hereinafter "Komatsu"); and
- (3) claims 2, 12 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rehman in view of Cagle, and further in view of U.S. Pat No. 5,571,311 (hereinafter "Belmont").

Rejections over Rehman in view of Cagle and other secondary references

The Examiner has rejected claims 1, 3-11, 13-20 and 23-27 under 35 U.S.C. 103(a) as being unpatentable over Rehman and Cagle. Claims 21 and 23-27 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Rehman in view of Cagle and Komatsu. Further, claims 2, 12 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rehman in view of Cagle and Belmont.

The Applicant acknowledges the removal of all rejections previously issued in favor of the current rejections. It appears that in order to resolve a deficiency in the previous rejections, Cagle has been added as a new secondary reference to provide the element of high frequency firing to the alleged *prima facie* case of obviousness, which element is required by the claims. In other words, all current rejections rely in part on Cagle to provide this claim element that was missing from the previous rejections.

Regarding the rejections of the current office action, it is believed that 35 U.S.C. 103(c)(1) is applicable. Specifically, 35 U.S.C. 103(c)(1) reads as follows:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The subject matter of Cagle and the presently claimed invention were, at the time the claimed invention was made, subject to an obligation of assignment to Hewlett-Packard. Further, as Cagle was filed only about 2 ½ months after Cagle, Cagle is a 102(e) reference with respect to the present application. Thus, any rejection that utilizes Cagle must be removed, as Cagle cannot be properly asserted against the claimed invention under 35 U.S.C. 103(a). As all rejections rely on Cagle, the present application is believed to be in condition for allowance.

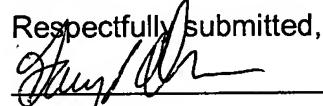
CONCLUSION

In view of the foregoing, Applicant believes that claims 1-27 present allowable subject matter and allowance is respectfully requested. If any impediment to the allowance of these claims remains after consideration of the above remarks, and such impediment could be removed during a telephone interview, the Examiner is invited to telephone Bradley Haymond at (541-715-0159) so that such issues may be resolved as expeditiously as possible.

Please charge any additional fees except for Issue Fee or credit any overpayment to Deposit Account No. 08-2025.

Dated this 21st day of December, 2005.

Respectfully submitted,



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